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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON EDWARD THOMAS CARDIFF,

Defendant.

No. 5:23-CR-00021-JGB

**OPPOSITION TO JASON CARDIFF'S EX
PARTE APPLICATION FOR AN ORDER
PERMITTING INTERNATIONAL TRAVEL
AND RETURNING HIS PASSPORT**

Plaintiff United States of America, by and through its counsel
of record, the Civil Division Consumer Protection Branch and Trial
Attorneys Manu J. Sebastian and Sheila B. Berman, and the United

1 States Attorney for the Central District of California and Assistant
2 United States Attorney Valerie L. Makarewicz, opposes the *ex parte*
3 application for an order permitting international travel and return
4 of defendant's passport made by Defendant, Jason Edward Thomas
5 Cardiff.

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7 Dated: July 23, 2024

Respectfully submitted,

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9 AMANDA LISKAMM
Director
Consumer Protection Branch

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11 E. MARTIN ESTRADA
United States Attorney

12
13 /s/
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14 SHEILA B. BERMAN
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17 Attorneys for Plaintiff
18 United States of America
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MEMORANDUM OF POINTS AND AUTHORITIES

I. Introduction

The government opposes defendant's request for an order permitting international travel and the return of his passport, as doing so would create a significant flight risk given defendant's dual citizenship, lack of meaningful ties to the United States, and lack of financial interest in any of the collateral assets of his surety bond.

II. Facts

In early 2022, the defendant sold his residence in the United States and moved to Ireland, where he maintains dual citizenship. His wife and daughter moved with him and are currently residing in Ireland.

On January 31, 2023, a federal grand jury returned an Indictment against the defendant, charging him with access device fraud in violation of 18 U.S.C. §§ 1029(a)(5) and 2, aggravated identity theft in violation of 18 U.S.C. §§ 1028A(a)(1) and 2, and two counts of witness tampering in violation of 18 U.S.C. § 1512(b)(2)(B). On January 31, 2023, the Court issued an arrest warrant for the defendant.

On November 26, 2023, the defendant was arrested at the LAX Airport entering the country from abroad. He told the arresting agents he was in Los Angeles to visit his 96-year-old father, that no one else was expecting him, and brought only two carry-on bags and \$7,000 cash. [Dkt. #13, p. 10]. Defendant's father has since passed away.

After being advised of his *Miranda* rights and the criminal

1 charges against him, the defendant told arresting agents that the FTC
2 shut down his business in 2018, so the five-year statute of
3 limitations would have passed for any charges. [Dkt. #7]

4 Defendant made his initial appearance on November 27, 2023.
5 [Dkt. #7]. On November 30, 2023, the Court held a contested detention
6 hearing, wherein defendant presented an unusual package to secure his
7 over half-million-dollar bond - - he offered the main residence of
8 his personal attorney's girlfriend, who he had never met, and a
9 smaller unsecured portion by his friend, Brian Kennedy. [Dkt. #14].¹
10 Magistrate Judge Mircheff, noted that the bond package was odd, as
11 defendant does not have any "skin in the game" and normally the Court
12 relies on defendant being motivated to appear to prevent harm to his
13 mother, his wife, or his children. [Exhibit 1, 11/30/23 Detention
14 Hearing Recording at 5:45]

15 The Court found defendant to be a flight risk, and declined
16 immediate release, ordering defendant to be detained until title on
17 the property in question was perfected and bond posted. [Id. at
18 19:36]. Magistrate Judge Mircheff clearly stated that these were the
19 least conditions she was comfortable releasing defendant with [Id. at
20 29:00].

21 Defendant now requests permission for international travel on
22 the grounds that his wife "suffered a medical issue while she was in
23 Slovakia" and "intends to seek additional treatment in Ireland," but
24 has provided no elaboration or evidence in support of that claim.
25 The photographs of a medical bill, printout of an EKG reading and
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27 ¹ For the Court's convenience, attached as Exhibit 3 is a copy
28 of the Pretrial Services Report.

1 one-page health assessment that are alleged to support this claim
2 have not been provided to the Court or the government for review.

3 Defendant has a proven history of deception and dishonesty in
4 the representations he made to the Court about possession of an Irish
5 passport and shown that he cannot follow court orders. On July 31,
6 2019, Judge Otero, during the civil FTC litigation, found that
7 defendant obtained a second Irish passport after the Court had seized
8 his first. [Dkt #13, Exhibit C, 389:7-14]. There, the Court ordered
9 defendant held overnight while the second passport was located and
10 secured. [Id. at 341:1-7]. Separately, the Court found that the
11 defendant continuously lied to the court-appointed receiver about his
12 assets and concealed his income and assets from the court. [Id. at
13 391:2-6]. Further, the Court stated, "I've heard carefully from the
14 Cardiffs. Their stories are totally unbelievable. It's pretty clear
15 to the Court that they've lied, that they worked in concert with each
16 other and with others to avoid, violate the conditions of the orders
17 of the Court." [Id. at 390:3-7].

18 In addition, defendant appears to be non-compliant with the
19 Court's order not to contact government witnesses. Two days ago, a
20 government witness reported that within the last month or two she
21 received a text message from someone identifying themselves as Jason
22 Cardiff asking to communicate. [Exhibit 2, Declaration of Christine
23 Reins-Jarin]. The witness deleted the text and blocked the number as
24 she did not wish to have any further contact with defendant. [Id.].
25 This report of attempted contact, while somewhat limited, suggests
26 that Jason Cardiff, or someone posing as him, has contacted at least
27 one government witness in this case, and if true, is a violation of

1 his conditions of release.

2 **III. Argument**

3 The original release of the defendant on bond was contested by
4 the government due to defendant being a flight risk. [Dkt #13].
5 Magistrate Judge Mircheff, pursuant to 18 U.S.C. § 3142 (c)(1)(B), set
6 conditions of release that she determined imposed the least restrictive
7 conditions necessary to reasonably assure the appearance of the
8 defendant as required. [Exhibit 1].
9

10 This request for international travel, if approved by the Court,
11 would effectively amount to modification of four of the conditions of
12 release previously ordered by the Court as necessary to secure
13 defendant's appearance. Defendant would need to have possession of at
14 least one of his passports (United States and Ireland) to facilitate
15 travel. The Pretrial Services Agency would be unable to effectively
16 monitor defendant's location or his curfew while he is in Ireland.
17 Finally, there is no indication that the third-party custodian, Stephen
18 Cochell, would travel to Ireland with defendant for 10 days on short
19 notice, suggesting that permitting defendant's international travel
20 would also entail suspension of his supervision. [Dkt. #15].
21

22 Importantly, the defendant has traveled to several different
23 locations within the United States without providing the Court with an
24 accounting of the funds that are being spent on such last-minute travel.
25 Pursuant to his release conditions, defendant may not sell, transfer,
26 or give away any assets valued at \$5,000 or more without notifying and
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1 obtaining permission from the Court. [Dkt. #21]. As the government has
2 shown in its previous filing, defendant's social media posts evidence
3 that he has a proclivity to spending money without reservation. [Dkt.
4 #13].

5 The Court was clear in its ruling that the bond package
6 presented by defendant varied significantly from ones that the Court
7 routinely approves. None of the cash or property subject to
8 forfeiture should defendant fail to return from international travel
9 belong to defendant or members of his family. Given the lack of
10 familial or close personal relationship with the sureties, there is no
11 reason to think defendant would put the sureties' financial interests
12 above his own interest in avoiding trial and potential incarceration.

13 Defendant's comment upon arrest that the statute of limitations
14 had passed is an admission of both guilt and a prior effort to avoid
15 legal jeopardy by absenting himself from the United States, which he
16 may seek to do again given the opportunity.

17 The nature of the charges, the defendant's criminal exposure, and
18 his awareness of that exposure, continue to make him a flight risk for
19 international travel. The nature and circumstances of the charged
20 offenses are serious. The defendant's potential sentencing exposure is
21 high. The defendant is charged with one offense that carries a mandatory
22 minimum of two years' incarceration and three offenses that carry
23 statutory maximum period of incarceration of 15, 20, and 20 years
24 respectively. Moreover, the defendant is in a different posture now
25 than when he was arraigned. The government has produced voluminous
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1 discovery to the defendant. He is now aware of the scope and strength
2 of the government's evidence. He recently lost a motion to dismiss,
3 his attorneys have moved to withdraw due to a breach of their
4 contractual agreement, and the September 3, 2024 trial date is fast
5 approaching.

6
7 There is nothing in the record to indicate that there is an
8 emergent need for defendant to travel to Ireland. His wife and child
9 are free to travel to the United States so that defendant can
10 participate in his wife's medical care and assume parental child-care
11 responsibilities.

12 Defendant has a record of disobeying court orders and lying to
13 the court. He cannot be trusted to tell the truth to the Court or
14 comply with conditions set by the Court on his word alone.

15
16 Once the defendant leaves the United States, he will be free to
17 travel to Ireland and any other foreign jurisdiction, should he choose.
18 Indeed, he could leave Ireland and travel to another country that does
19 not have an extradition treaty with the United States. Moreover, once
20 the defendant leaves the territorial jurisdiction of the United States,
21 this Court, the Pretrial Services Agency, the United States Marshal
22 Service, and any other law enforcement agency in the United States lose
23 jurisdiction over him. The notable difference between domestic and
24 international travel is clear - should the defendant travel
25 domestically, not abide by his release conditions, or not appear for a
26 judicial proceeding, the Court can authorize an arrest warrant that
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